

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
JANUARY 19, 2010  
6:00 P.M.**

1. The meeting was called to order at 6:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Carter and Invocation was given by Police Chaplin Mike Anderson.

### **ROLL CALL**

#### **PRESENT**

Mayor Pat Woolley  
Vice-Mayor Nancy Olson  
Councilman Phil Owens  
Councilman Dean Johnson  
Councilwoman Cathy Maxey  
Councilman Doug Davis  
Councilman David Dirkschneider  
Councilman Mike Gossman

#### **ABSENT**

Councilman Christian Portwood

### **STAFF PRESENT**

Matt Love, City Attorney  
Roger Patty, Police Chief  
Rob Carter, Fire Chief  
Mike Turman, Public Works Director  
Scott Barrett, City Engineer  
Wiley Rice, City Planner  
Pamela McDowell-Ramirez, City Clerk

2. Call to the Public.

There was no one that wished to speak.

The Mayor stated that he wanted to publicly thank the Street, Sanitation, and Sewer department employees for all the hard work during Christmas Eve, Christmas and the days that followed in clearing the streets. He also commended the Police and Fire on their hard work during the nasty weather.

Item 8 was heard next.

3. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #4.

- A. Approval of the minutes from the Regular meeting of December 15, 2009 and Special meetings of December 10, 2009 and December 21, 2009. \*\*\*\*
- B. Approval of Expenditures \*\*\*\*
- |              |      |             |
|--------------|------|-------------|
| General Fund | 6 mo | \$49,639.22 |
| PST Fund     | 6 mo | \$ 1,168.61 |
| General Fund | 2010 | \$63,124.44 |
| CIP Fund     | 2010 | \$ 5,990.78 |
| E911 Fund    | 2010 | \$ 1,900.00 |
- C. Approval of Actual Expenditures for December 2009 and Proposed Expenditures for January 2010. \*\*\*\*
- D. Sales Tax History Report. \*\*\*\*
- E. Appropriate funds from CIP for Community Center repairs in the amount of \$48,000 and appropriate funds from Public Safety Tax for equipment on new Patrol units in the amount of \$4,000.00.
- F. Supplemental Appropriation of donated funds in the amount of \$1,250 to the Fire Department and \$100 to the Police Department.
- G. Approval to surplus one Eventide, Model VR320, SN30000702 and a Seiko Instruments SII Thermal label printer, Sman label printer 100, SNE001798721.

Councilman Owens asked for items A, E and G to be pulled and voted on separately.

Motion by Johnson, second by Olson to approve items B, C, D and F of the Consent Docket. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

5. Discussion and possible action on items removed from the consent docket.

Item A. Minutes from both meetings on December 10, 2009.

Motion by Owens, second by Olson to approve the minutes. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, abstain; Gossman, abstain; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed.**

Item A. Minutes from December 15, 2009.

Motion by Owens, second by Olson to approve the minutes. Poll vote: Johnson, yea; Owens, abstain; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed.**

Item A. Minutes from December 21, 2009.

Motion by Owens, second by Olson to approve the minutes. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Item E.

Councilman Owens asked what the money was for. The Mayor stated that in the 6 month budget they had appropriated \$50,000 and only spent \$2,000 and this \$48,000 is what was left. Chief Patty stated that he had spoken to Clerk Ramirez and the \$4,000 is not needed.

Motion by Owens, second by Johnson to approve the appropriation of \$48,000 for the Community Center. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Item G.

Councilman Owens asked what an Eventide was. Chief Patty stated that they it was the old Digital logger.

Motion by Owens, second by Olson to approve surplusizing the items. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

6. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, and City Planner. \*\*\*\*

Engineer Barrett-said the traffic study for the south section of MacArthur. The intersection project was pulled the study was not sufficient. They are shooting for 36<sup>th</sup> to 42<sup>nd</sup> on the 2012 list but there are some on the 2011 list that may drop off and allow Warr Acres to move up. He stated that they will reapply for the intersection project for 2013. He said that the 63<sup>rd</sup> overlay should begin in February. He said that 49<sup>th</sup> overlay is complete except for stripping. They had gone out and looked at the patching on Libby and the damage was worse than expected. Smoke testing will resume tomorrow and flow monitoring will start

next week. The Mayor stated that Millie, the grant writer, has completed the income study and is working on the rate study for the sewer grant.

Chief Patty-thanked the Public Works departments on the great job they did clearing the streets. He told the council that they picked up the two new used units for investigations.

Chief Carter-told the council that the report they were given was the annual report. He also told them that he was working on FEMA info to try and get reimbursed for December's storm.

Attorney Love-said there is a potential problem with a website that uses the city's name and sells advertising. He said there is a domain name dispute.

PWD Turman-told the council that the city had sold surplus items for around \$12,000. He said that two of the lift stations are now wired and ready to be hooked up to generators if needed during a storm. He said the other lift station must be updated per DEQ so when that is done they will also wire it for a generator. He said they walked the streets before the overlay was put down. The Street department is working on several spots. He told the council that 4 of the 5 Sanitation trucks were down and garbage in residential areas was being picked up in pickup trucks. He said that the commercial was being picked up by Waste Connections at a rate of about \$1000 a day.

7. Discussion and possible action on a Tort Claim filed by David Sanger in reference to a Sewer Backup into the bedroom of his rent house located at 5712 NW 42<sup>nd</sup> Street. \*\*\*\*

There was much discussion as to what the right thing or legal position in this situation was and what the city was liable for. The Insurance Company investigated and said the city was not negligent.

Motion by Owens, second by Dirkschneider to deny the claim. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

### **Motion Passed Unanimously.**

Item 8 was heard after item 2.

8. MS4 Storm Water Quality Program Report by the City Engineer.

Engineer Barrett said that under the MS4 guidelines he must report to the Council twice a year. He stated that the city is coming to the end of the first 5 years, which will end on February 7<sup>th</sup>. He said it is now time to apply for the next 5 years. He stated that a lot has been learned and the city now knows what type issues need to be addressed and what really does not apply to the city. He said each city must develop a plan and monitor the plan. He asked if there were any questions or recommendations and if anyone thought of something to please contact him.

Item 17 was heard after item 8.

9. Discussion and possible action to authorize Chief Patty to send Josh Lenz, John Feith and Karen Selby to St. Louis, MO for training on the new Computer Records management and Computer Aided Dispatch Software. \*Patty\*

Chief Patty told the council that Karen would not be going. He said that the company pays for training for two personnel and the city will have to pay for the travel and hotel. He said it will be paid for from his travel and training budget. Chief Patty told the council that this is new upgraded program and no one has been trained to use it yet but when the two officers get back the company will come in and get the system up and running. Councilman Gossman asked if this would have the Court Clerks on the same system. Chief Patty stated that was for the Mayor to handle.

Motion by Johnson, second by Dirkschneider to approve sending two for training. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

10. Discussion and possible action on a report from the Mayor regarding the January 11, 2010, Declaration of an Emergency regarding garbage service, including possible action to ratify the prior expenditure of funds to Waste Management for services provided from January 7, 2010, to date (in the amount estimated to be less than \$10,000) and to authorize the Mayor to continue to expend funds to Waste Management for the purpose of providing ongoing commercial garbage collection services to the City as deemed necessary by the Mayor provided that such approval is subject to reconsideration by the Council at its February 16, 2010, regular meeting. Approval of agreement with Waste Management.

PWD Turman stated that the Sterling truck had been nothing but a problem from day one. He told the council what the problems were with each truck and what he recommended is done. He told the council that last week garbage was being picked up in pickup trucks because there was only one Garbage truck working. He said they need to get these two fixed and then look at purchasing a new truck in the next year or so. Right now Commercial garbage is being picked up by an outside company that the city is paying around \$1,000 a day. Attorney Love stated that there is no agreement but the wording was placed on the agenda just in case there had been. The council was told that they needed to approve paying the continuing charges while the trucks were being repaired.

Motion by Owens, second by Johnson to approve paying for the use of the Commercial garbage truck and driver. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, out during the vote; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed.**

11. Discussion and possible action to authorize the Public Works Director to have Sanitation trucks 905 and 907 repaired. \*Turman\*

PWD Turman stated that these two trucks need to be fixed; they are the commercial garbage trucks and are used everyday. He said that the Mac engine needs to be replaced and he recommended that they replace it with a refurbished engine that will have a warranty on it. He was asked how the arms got bent on the truck. He said that he felt it was from daily wear and tear and that there was no negligence on anyone's part. He said that the arms come down pickup the dumpster, lift it up over the cab of the truck, dump it and bring it back down. He said they are quite heavy and sometimes have loads that shift as the dumpster is being raised. The Mayor stated that they are preparing log books that will be kept in each truck and every driver will be responsible for logging all maintenance and daily check list. That way if there is a problem the next time the truck is used they know who used it last.

Motion by Owens, second by Johnson to approve the repairs. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

12. Discussion and possible action on approval of bid specs for a Bucket truck and authorize the Public Works Director to advertise for bids. \*Turman\*

PWD Turman stated that over \$20,000 was spent on the current bucket truck that is a 1985 and was done away with by OG&E. He said that after all the repairs were done to it, it was taken out and used and the fire department had to be called to come and get the person that was up in the bucket down because it was stuck. He stated that it was time to replace it and they did not need a heavy duty truck or diesel that would cost more to maintain. He said that he and the Mayor went and looked at the van mounted lifts and they agree that this would be the best for the city. He said the cost is around \$55,000 where a used diesel is around \$60,000 to \$70,000 and you get any problems that come with it.

Motion by Johnson, second by Maxey to advertise for bids for a van mounted lift. Poll vote: Johnson, yea; Owens, nay; Dirkschneider, yea; Gossman, nay; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed.**

13. Discussion and possible action on approval of bid specs for a Dumpster delivery truck and authorize the Public Works Director to advertise for bids. \*Turman\*

PWD Turman stated that he did not have bid specs ready and asked for this to be continued. This item will be brought back next month when he has all the information.

14. A. Discussion and possible action on an Ordinance amending 16.04.130 authorizing the collection of a State mandated permit fee on all building permits. \*\*\*\*

Attorney Love stated that this ordinance is straight forward and is in compliance with State Law. He said the fee will be \$4.00 and the city can collect \$.50 for a processing fee. He said that the affective date with be February 1<sup>st</sup>.

Motion by Owens, second by Dirkschneider to approve the Ordinance. (#1080)  
Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

- B. Approval of the emergency clause.

Motion by Johnson, second by Owens to approve the emergency clause. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

15. A. Discussion and possible action on an Ordinance amending 19.54.040 amending the public hearing procedures for applicants for Special Use Permits or Use Subject to Review. \*\*\*\*

Attorney Love stated that this Ordinance addresses two issues. If the applicant can not appear and informs the city before the notices are sent out then they can set another date or send someone in their place if they can not appear at the last minute. Also it allows the applicant to waive the one month time frame for planning commission action.

Motion by Owens, second by Dirkschneider to approve the Ordinance. (#1081)  
Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

- B. Approval of the emergency clause.

Motion by Owens, second by Dirkschneider to approve the emergency clause. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

16. Questions and Comments from Councilmembers.

Maxey-asked for an item to be placed on the next agenda in reference to rezoning MacArthur from R-1 to C-3 with stipulations to protect the residential areas

behind the proposed rezoned area. She also thanked the city for the great job they did during the recent snow storm.

Olson-asked if they really needed to get the report from the Street department each month that just tells that they were doing their job. She stated that the Public Works Director reports to them each month and she did not feel the written report needed to be done; it was a waste of time.

Mayor-thanked all the employees for the great job they did during the snow storm. He also thanked the council for coming to the special meetings in December.

Johnson-thanked the employees for the work they did during the snow storm.

Dirkschneider-said he would really like to see the city be more pro-active in working to get businesses in the city. He said he understood that some did not like the idea of tax incentives but he feel that is what needs to take place to bring in business. He said they could set up tax increment districts.

Gossman-said it was brought to his attention that a member of the planning commission had been gotten rid of. The Mayor stated that he was not gotten rid of. It was an At-Large position and if this person had wanted to retain his seat he should have contacted the Mayor. Mayor Woolley stated that he was approached by two other persons that were interested and the one who held the seat did not so he brought the two before the council for consideration. He also stated that the person who had held the seat appeared this month asking about his agenda but had not been around for the last three months. Councilman Gossman asked when the Mayor was going to take care of the situation with the Court Clerk's computer system. The Mayor stated that he had and would look into it more. Councilman Gossman stated there is a lot of traffic coming and going on 72<sup>nd</sup> Street with the construction and new businesses and that they needed to do something about the big trucks because the street was already in bad shape and would only get worse. The Mayor stated that he would like to see the Traffic Commission meet and discuss that issue as well as an issue at Grove and 63<sup>rd</sup>.

Item 17 was heard after item 8.

17. Discussion and possible action concerning contract negotiations for FY 2010 with FOP Lodge #145, and IAFF Lodge #2374 and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B)(2), discussion negotiations concerning employees and representatives of employee groups. \*Puckett\*

The Mayor stated that he would like for Chief Patty and Chief Carter to stay in executive session as well as Attorney Tony Puckett.

Motion by Dirkschneider, second by Johnson to enter into executive session. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.



**Motion Passed Unanimously.**

The council entered into executive session at 6:22 p.m.

Councilman Gossman arrived and entered the executive session at 6:30 p.m.

The council returned to open session at 6:43 p.m.

Motion by Owens, second by Johnson to come out of executive session. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, out during the vote; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed.**

Item 3 was heard after item 17.

18. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

**Moot.**

19. Adjournment.

Motion by Johnson, second by Dirkschneider to adjourn. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk

## **MINUTES**

### **CITY OF WARR ACRES PUBLIC WORKS AUTHORITY MEETING**

**TUESDAY  
JANUARY 19, 2010  
7:00 p.m.**

(Immediately following completion of the regularly scheduled City Council meeting)

1. The meeting was called to order at 8:18 p.m. Declaration of a quorum present was given.

### **ROLL CALL**

#### **PRESENT**

Chairman Patrick Woolley  
Vice-Chair Nancy Olson  
Trustee Phil Owens  
Trustee Dean Johnson  
Trustee Cathy Maxey  
Trustee Doug Davis  
Trustee David Dirkschneider  
Trustee Mike Gossman

#### **ABSENT**

Trustee Christian Portwood

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of December 15, 2009. \*\*\*\*

Motion by Johnson, second by Olson to approve the minutes. Poll vote: Johnson, yea; Owens, abstain; Dirkschneider, abstain; Gossman, abstain; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

#### **Motion Passed.**

3. Approve payment of claim in the amount of \$59,377.75 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of December, 2009. \*\*\*\*

Motion by Olson, second by Owens to approve the payment of the claim. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

#### **Motion Passed Unanimously.**

4. Approval of payment of claims for the Sewer department. \*\*\*\*

Motion by Johnson, second by Owens to approve the payment of the Sewer department claims. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

5. Adjournment.

Motion by Owens, second by Johnson to adjourn. Poll vote: Johnson, yea; Owens, yea; Dirkschneider, yea; Gossman, yea; Maxey, yea; Davis, yea; Olson, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk